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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,157	07/06/2000	Steven D. Ims	RSW9-2000-0034-US1	5464

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EXAMINER	
DONAGHUE, LARRY D	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/611,157	IMS ET AL.	
	Examiner	Art Unit	
	Larry D. Donaghue	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-16,23-32 and 39-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-16, 23-32 and 39-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 7-16, 23-32, and 39-48 are presented for examination.

2. the rejection is maintained.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-9,12,23-25,28,39-41 and 44rejected under 35 U.S.C. 102(e) as being anticipated by Skinner et al. (6,721,740).

Regarding claim 23, Skinner anticipates the claimed invention by disclosing a system comprising: Means for storing one or more objects in a cache for responding to update requests against the objects (col. 13 lines 51-58 object cache at client tier), wherein (1) a set of input properties is stored with or associated with each stored object (col. 16 lines 28-33 showing serialized/cached object include the object state which in turn includes the input properties) and (2) update logic specifying how to update each of the stored objects is stored with or associated with the stored object or a group of stored objects (col. 16 lines 5-20 client-side update management); Means for receiving update requests against one or more of the objects (col. 13 line 59 to col. 14 line 7); Means for determining an update mode to use for a selected update request, responsive to the means for receiving (col. 17 lines 36-41); Means for immediately processing the selected update request if the determined update mode is not a delayed update mode (discussion of updates prior to col. 17 lines 36-4.1 shows that they are propagated immediately if the client is connected); Means for delaying processing of the selected update request otherwise(col. 17 lines 36-41).

Regarding claim 24, Skinner teaches a system wherein the means for delaying processing further comprises: Means for queuing the selected update request, along with the input properties and values thereof which are to be used for performing the selected update request, as a queued update request on an update queue (col. 17 lines 36-41; col. 16 lines 28-33); Means for detecting a triggering event for performing the delayed processing of the queued update requests (col. 17 lines 36-41; col. 16 lines 28-33); Means for performing, responsive to the means for detecting, the queued update request (col. 17 lines 36-41; col. 16 lines 28-33).

Regarding claim 25, Skinner teaches a system wherein the means for performing further comprises means for setting the input properties of a selected object against which the queued update request is to be performed using the queued input property values (col. 17 lines 36-41; col. 16 lines 28-33) and means for executing the update logic stored with or associated with the selected object (col. 16 lines 5-20).

Regarding claim 28, Skinner teaches a system wherein the update policy comprises information about an

associated object which is used for responding to read requests (col. 15 lines 10-27).

Regarding claims 7-9 and 12, they are media claims corresponding to apparatus claims 23-25 and 28, respectively. Since they do not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis.

Regarding claims 39-41 and 44, they are method claims corresponding to apparatus claims 23-25 and 28, respectively. Since they do not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims11,14,27,30,43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner in view of Perlman et al. (5,896,444).

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Regarding claim 27 and 30, Skinner teaches the invention substantially as claimed. See the rejection of claim 23 above. Skinner does not teach the additional limitation of claim 27. Although Skinner teaches that a client may be intermittently connected from the server, Skinner doss not provide any explanation as to why.

Perlman on the other hand teaches a system in which a client intermittently connects to the network during off peak times in order to reduce telephone charges (col. 8 lines 12-28). It would have been obvious to one: of ordinary skill in the art at the time the invention was made to modify Skinner's client to intermittently connect to the server using Perlman's time of day based system because of Perlman's teaching that it is cheaper.

Regarding claims 11 and 14, they are media claims corresponding to apparatus claims 27 and 30, respectively. Since they do not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis.

Regarding claims 43 and 46, they are method claims corresponding to apparatus claims 27 and 30, respectively. Since they do not teach or define above the information in the corresponding apparatus claims, they are rejected under the same basis.

8. Applicant's arguments filed 03/29/2005 have been fully considered but they are not persuasive.

Applicant argues "In discussing the first limitation of independent Claims 7, 23, and 39, the Office Action states (on p. 3, lines 9 - 10) that Skinner's "client-side update management" component teaches Applicants' "update logic specifying how to update each of the stored objects...". Applicants respectfully disagree with this characterization off Skinner. The `update management' component disclosed therein is used for propagating ,a update notifications, and is not update logic (i.e., it does not specify ;how to update objects). See, for example, col. 16,lines 8 - 9, stating that "Client-side update management component 304A implements an active update notification scheme..." (emphasis added). See also col. 2, lines 55 - 58, stating that components specify interest in an object or objects "by registering with an update management component", and lines 61 - 65 of col . 2 specify that the interested component or components "receive an update notification from the update management component" (emphasis added',,. A number of other places in the Skinner reference are analogous, including col. 8, lines 24 -25 and lines 33 - 35 (which also discusses a change management component that detects changes). Applicants find no teaching in Skinner that the update management component stores, or uses, " ... update logic specifying how to update each of the stored objects"."

Response

The reference clearly states that "Client-side update management 304A provides the software mechanism by which updates are applied to data objects ..." (col. 16, lines 5-7).

Applicants presume that the reference to Buannaure on p. 5, line 26 is. a typographical error, as lines 6 - I 1 of. p. 6 refer instead to Perlman (U. S. Patent 5,896,444).

Response

Applicant is correct.

Applicant argues "The cited text of Perlman pertains to telephone calls. Applicants claims are not related to telephone calls, or processing thereof."

Response

The passage cited is directed to connection to the Internet.

Lines 4 - 8 of p. 6 of the Office Action discuss clients intermittently connecting to a network. Applicants respectfully submit that intermittent client connections do not form part of the claim language of the claims which have been rejected under 35 U. S. C. §103(a). Applicants therefore believe that the supposed motivation provided for combining Skinner with Perlman is flawed. and that one of skill in the art would not, in fact, be motivated to attempt this combination.

Response

The suggest is found in the reference.

Furthermore, if such combination could be trade, it would fail to yield Applicants' Claims 11 and 14, 27 and 30, and/or 43 and 46, as no teaching of "a triggering event reaching a particular time of day" is found, where this triggering event pertains to "performing delayed processing" (Claim 11) or "selecting the delayed update mode based upon a time of day" (Claims 14). The Examiner is therefore respectfully requested to withdraw the 35 U. S. C. § 103 rejection.

Response

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D. Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).